Patent

Attorney Docket: 895,080-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 2616

STUART BERMAN

Examiner: Daniel J. Ryman

Serial No.: 09/330,755

Confirmation No. 9796

Filed: June 11, 1999

For: FIBRE CHANNEL SWITCHING SYSTEM

PETITION TO REVIVE

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions to the Commissioner under 37 CFR §1.137(b) for revival of the above-identified patent application. The above-identified application became abandoned for failure to submit a timely response to the final Office Action dated December 28, 2007.

A Request for Continued Examination (RCE) is enclosed herewith. The entire delay in filing the required response from the due date for the required response until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Accordingly, Applicant respectfully requests that the Accordingly, Applicants respectfully request that above-identified application be revived and the enclosed response to the Office Action dated December 28, 2007 and request for continued examination be entered.

CERTIFICATE OF TRANSMITTAL

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO EFS-Web filing system.

August 22, 2008

Cynthia B. Pacheco

Date of Deposit

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Applicant hereby authorizes the Commissioner to charge the fee for the request for continued

examination pursuant to 37 C.F.R. § 1.17(e) and the fee for the Petition to Revive pursuant to 37

C.F.R. § 1.17(m) to Deposit Account No. 50-2862. Also, the Commissioner is authorized to charge

any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-

2862. Should any questions arise regarding this Petition, Applicant would request that the

undersigned be contacted at (949)760-9600.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 22, 2008

Bv:

lennifer M. Pascua

Reg. No. 56,489

Attorney for Applicant

JMP/cbp

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